

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

B.P.J, by her next friend and mother,
HEATHER JACKSON

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF
EDUCATION, HARRISON COUNTY BOARD
OF EDUCATION, WEST VIRGINIA
SECONDARY SCHOOL ACTIVITIES
COMMISSION, W. CLAYTON BURCH in his
official capacity as State Superintendent,
DORA STUTLER in her official capacity as
Harrison County Superintendent, PATRICK
MORRISEY in his official capacity as Attorney
General, and THE STATE OF WEST
VIRGINIA

Defendants.

Case No. 2:21-cv-00316

Hon. Joseph R. Goodwin

Oral Argument Requested

MOTION TO INTERVENE

Under Federal Rule of Civil Procedure 24(a) and (b), Lainey Armistead hereby moves this Court to authorize her intervention as a party to this case. In conformity with Local Rule 7.1(a), a memorandum of law accompanies this motion. Defendants State of West Virginia and Attorney General Morrissey consent to this motion. Defendants Harrison County Board of Education and Superintendent Stutler did not respond. All other Defendants do not object to Armistead's intervention motion. The Plaintiff opposes the motion.

As the memorandum explains, Armistead satisfies the requirements for intervention as of right under Rule 24(a). Her motion is timely, she has a significantly protectible interest in the subject matter of this case, the outcome of the case may impair her interest, and her interest will not be adequately represented by the named parties.

Armistead also satisfies the criteria for permissive intervention under Rule 24(b). Her filing is timely, her participation will cause no undue delay or prejudice to the original parties, and her legal position “shares with the main action a common question of law or fact.” Fed. R. Civ. P. 24(b)(1).

Respectfully submitted this 10th day of September, 2021.

/s/ Brandon S. Steele

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**Statement of Visiting Attorneys
forthcoming*

Attorneys for Proposed Intervenor

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CERTIFICATE OF SERVICE

I, Brandon Steele, hereby certify that on September 10, 2021, I electronically filed a true and exact copy of this ***Motion to Intervene*** with the Clerk of Court and all parties using the CM/ECF system.

/s/ Brandon S. Steele

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